

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

BMG RIGHTS MANAGEMENT

*

(US) LLC, *et al.*,

*

Plaintiffs,

*

*

Civil Action No. 1:14cv1611 (LO/JFA)

v.

*

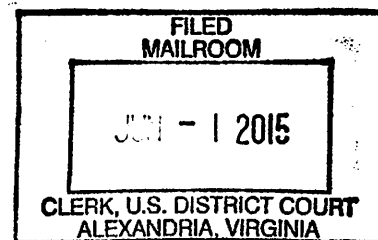
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COX ENTERPRISES, INC., *et al.*,

*

Defendants.

*



MOTION TO QUASH OR MODIFY

I received a letter from my ISP regarding a subpoena, which included a copy of the Order Granting Plaintiff's Application for Leave to Take Discovery.

From accounts of previous defendants of BMG Rights Management, these subpoena notifications are followed by demand letters. These letters -- which demand \$2000 to \$4000 to avoid dealing with their lawsuit -- and their phone calls, which are persistent, are the reason I am filing this motion, and for this reason, I respectfully request that I be allowed to do so without revealing my personally identifying information.

John Doe, appearing *pro se* and a non-party in the above-captioned case, hereby moves this Court pursuant to Va. Code § 8.01-277 to quash the subpoena *duces tecum* which was served on COX ENTERPRISES, INC, at the request of the Plaintiffs. A copy of this motion is being provided to the attorney who issued this subpoena.

In support of his motion, John Doe states as follows:

1. He is not a party to COX ENTERPRISES, INC
2. He nor his household (Him and His wife) has participated in copyright infringement of any sort.
3. His personal home computer wireless network is secured with a password and shows no signs of being breached.
4. Upon information and belief, his IP address was not used in copyright infringement of any sort by any person, let alone residing in the top 250 alleged offenders.
5. Upon information and belief, the Plaintiffs have either made an error in flagging his IP address as participating in copyright infringement or the Plaintiffs are arbitrarily choosing IP addresses and falsely accusing them of wrongdoing.
6. Upon information and belief, the Plaintiffs receive a large amount of income by sending threatening letters and phone calls regarding copyright infringement to those who they believe are guilty.
7. Upon information and belief, that the sole reason for the subpoena is to gain access the personal information of the accounts associated with these IP addresses. With the purpose of harassing them for money. The public is entitled to be protected from such a misuse of the discovery process.
8. Upon information and belief, the Plaintiffs have not presented evidence supporting the claim of violation. Any evidence that has been submitted should be heavily scrutinized as Doe, who has full access to his computer and network, can find no evidence of the alleged copyright violation. Due to the Plaintiff's history of harassing individuals whom they obtain account information on, the court is subjecting Doe to this harassment based on poor or nonexistent evidence.

WHEREFORE, John Doe respectfully prays that the Court enter an order quashing or modify said subpoena *duces tecum*.

Dated May 28, 2015

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Doe", written over a horizontal line.

John Doe

Pro se

CERTIFICATE OF SERVICE

I hereby certify that on 5/28/2015, I served a copy of the foregoing document, via US Mail, on:

Jeremy D. Engle (vsb #72919)

STEPTOE & JOHNSON, LLP

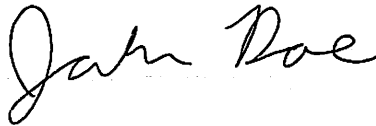
1330 Connecticut Avenue, NW

Washington, DC 20036

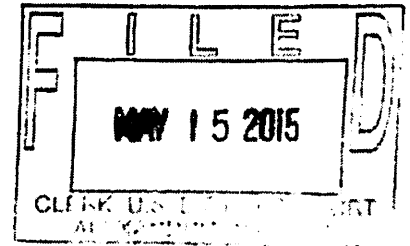
Tel.: (202)429-3000

Fax: (202)429-3902

Attorneysfor Plaintiffs

A handwritten signature in cursive script, appearing to read "John Doe", is written in black ink.

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BMG RIGHTS MANAGEMENT
(US) LLC, *et al.*,

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Defendants.

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ORDER

On Friday, May 15, 2015, counsel for the parties appeared before the court to present argument on plaintiffs' Motion to Compel the Identities of the Direct Infringers (Docket no. 71). Upon consideration of the motion, the memorandum in support (Docket no. 72), defendants' opposition (Docket no. 74), plaintiffs' reply (Docket no. 76), and for the reasons stated from the bench, it is hereby

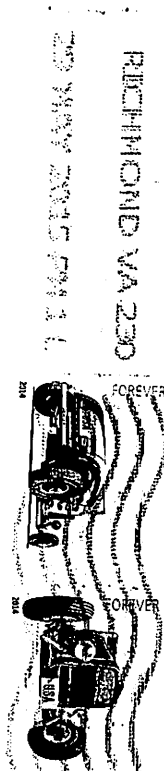
ORDERED that plaintiffs' Motion to Compel the Identities of the Direct Infringers is granted in part and denied in part. Defendants shall produce customer information associated with the "Top 250 IP Addresses recorded to have infringed in the six months prior to filing the Complaint" as identified in Exhibit 4 of defendants' Memorandum in Support of their Motion to Compel the Identities of the Direct Infringers (Docket no. 72). This production shall include the information as requested in Interrogatory No. 13, specifically: name, address, account number, the bandwidth speed associated with each account, and associated IP address of each customer. Defendants shall also provide a copy of any documents previously produced for these IP addresses without the name, address, account number, and bandwidth speed being redacted.

Defendants will be given twenty-one (21) days from the entry of this Order to produce the requested information.

Entered this 15th day of May, 2015.

_____/s/ 
John F. Anderson
United States Magistrate Judge
John F. Anderson
United States Magistrate Judge

Alexandria, Virginia



The Honorable John F Anderson
Albert V. Bryan US Courthouse
401 Courthouse Square
Alexandria, VA 22314

22314579798

